

4. Plaintiffs have filed a response to the Notice in which, naturally, they try to blame

defendant for their violations. (ECF No. 47).

5. Contrary to the claim in their response, plaintiffs have not produced any of plaintiff Blendi Cumani's tax returns; any of Shehu's W-2s; and any of plaintiff Roland Shehu's tax returns for 2019-22.

6. These failures were pointed out to plaintiffs by letter from defense counsel dated November 8, 2023 – five months ago. (*See* ECF No. 15-14, also submitted herewith, marked as Exhibit "M").

7. These failures were spelled out in defendant's reply memorandum in support of his motion for sanctions, filed December 4, 2023 – four months ago. (*See* ECF No. 21 at ¶¶ 5-6).

8. Plaintiffs' failures to produce tax documents were the entire subject of the Court's Order on Defendant's Motion for Sanctions, entered April 4, 2024 – three weeks ago. (*See* ECF No. 39).

9. Plaintiffs' failures are self-evident from plaintiff's memorandum in opposition to defendant's motion for sanctions, which plaintiffs cite in their response (ECF No. 16). (*See* ECF No. 47 at 1).

10. Plaintiffs did not claim in their memorandum that they have produced all requested W-2s and tax returns; plaintiffs claimed only that they had produced two years of tax returns for Shehu (2017-18) and had produced W-2s for Cumani. (*See* ECF No. 16 at 6-7, 3-4).

11. During his deposition on December 21, 2023, Cumani testified that he had given his tax returns for 2017 through 2022 to his lawyer. (*See* Cumani Dep., Ex. "A" hereto at p. 50).

12. During his deposition on December 20, 2023, Shehu testified that he is willing to produce his W-2's and tax returns for 2019-22, which are at his CPA's office. (*See* Shehu Dep., Ex. "B" hereto at pp. 16, 18-19).

13. Plaintiffs did not ask the Court for clarification of its Order on Defendant's Motion for Sanctions.

14. Plaintiffs did not ask the Court for clarification of that Order at the recent status conference.

15. At the recent status conference, plaintiffs' counsel did not ask defense counsel to explain, again, what documents his clients had failed to produce for months; plaintiffs' counsel told the Court that he was going to ask defense counsel. Plaintiffs' counsel never did so. And the deficiencies were evident from prior correspondence and court filings. Defense counsel is not required to read papers to plaintiffs' counsel.

16. Plaintiffs violated the Order on Defendant's Motion for Sanctions (ECF No. 39) and all of the previous discovery orders of the Court (ECF No. 13, 14).

17. Accordingly, the Court should enforce the Order on Defendants' Motion for Sanctions.

DATED this 25th day of April, 2024.

/s/Timothy W. Miller

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CERTIFICATE OF SERVICE

I do hereby certify that on this 25th day of April, 2024, a true and correct copy of the foregoing **Reply Memorandum with Respect to Defendant's Notice of Plaintiffs' Violation of Order on Defendant's Motion for Sanctions** was served as indicated below:

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[✓] CM/ECF

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